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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/625,531      | 07/26/2000  | John G Posa          | VID-01202/29        | 7887             |

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EXAMINER

ORGAD, EDAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2682

DATE MAILED: 03/28/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Office Action Summary**

Application No.

09/625,531

Applicant(s)

POSA ET AL.

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## **Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## **Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## **Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Diethorn (US 6,321,080).

Regarding claim 1, Diethorn teaches a telecommunications apparatus, comprising: a base unit (figure 1, element 12), including an interface to a telecommunications network (enherent); and at least one remote microphone in wireless communication with the base unit (figure 1, element 14), enabling a user of the microphone to speak to a listener through the base unit and telecommunications network (col. 1, lines 6-10).

Regarding claim 2, Diethorn teaches the base unit forms part of a telephone, and further includes a docking station to receive the remote microphone (col. 2, lines 36-42).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diethorn (US 6,321,080) in view of Chang (US # 6,473,629).

Regarding claim 3, Diethorn teaches a speaker associated with the base unit; a set of electrical contacts between the remote microphone and the base unit (figure 7); However, Diethorn fails to specifically disclose a switch in electrical communication with the switch means, causing the telephone to enter into a speakerphone mode when the remote microphone is removed from the docking station for use. However, Chang teaches a switching means causing the telephone to enter into a speakerphone mode when the remote microphone is removed from the docking station for use (col. 3, lines 7-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Chang's switching means with Diethorn's base unit in order to allow the user to hear communications via the speaker in the base station as oppose to a speaker in the portable device and therefore make the portable device taught by Diethorn lighter.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diethorn (US 6,321,080) in view of Palermo et al (US 2003/0050011).

Regarding claim 7, Diethorn fails to specifically disclose a the remote microphone forms part of a headset. However, in the same field of endeavor, Palermo teaches a headset in use with a base station and communicating to a telecommunication network (figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make Diethorn 's handset into a headset taught by Palermo in order to provide a hands free environment

6. Claims 4-6 and 817 are rejected under 35 U.S.C. 103(a) as being obvious over Diethorn (US 6,321,080) in view of Chang et al (US 6,469,732).

Regarding claim 4, Diethorn teaches an audio processing circuitry operative to deliver the signals from a microphone to the telecommunications network through the interface. However, Diethorn fails to specifically disclose the base station able to communicate with numerous

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microphones. However, Chang teaches a plurality of remote microphones (figure 1, 107L, 107R, 107C). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to use Chang's microphones with Diethorn in order to allow Palermo to have numerous users communicating in a conference like environment.

Regarding claims 5 and 6, Diethorn in view of Chang fail to specifically disclose an audio processing circuitry includes a level control causing the volume associated with each microphone to appear uniform to the listener comprising an audio processing circuitry includes a discriminator operative to selectively pass the audio from a subset of the microphones based upon current usage. However, official notice is taken that communications utilizing a level control causing the volume associated with each microphone to appear uniform to the listener comprising an audio processing circuitry includes a discriminator operative to selectively pass the audio from a subset of the microphones based upon current usage is well known in the art. Therefore, it would have been obvious to incorporate a level control causing the volume associated with each microphone to appear uniform to the listener comprising an audio processing circuitry includes a discriminator operative to selectively pass the audio from a subset of the microphones based upon current usage with Diethorn's base station in order to provide proper sound and volume controls so that no one user over powers the other and therefore, all voices are heard.

Regarding claim 8, Diethorn fails to specifically disclose the base unit forms part of a video teleconferencing system, and further includes a video camera for capturing images of the user for transmission to the listener through the telecommunications network. However, in the same field of endeavor, Chang teaches a video conference system where the base station comprises a camera (see abstract, figure 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Chang's video capabilities with Palermo base station in order to allow the user of Diethorn's portable device to be able to portray himself or herself to the person they are communicating to.

Regarding claim 9, Chang teaches wireless signal transmitter; and wherein the remote microphone re-transmits the wireless signal to the base unit, enabling the base unit to determine a positional aspect of the user of the microphone (see abstract).

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Regarding claims 10-12, Chang teaches a pan or tilt mount, auto-focusing and zoom lens associated with the video camera which is controlled as a function of the positional aspect (col. 2, lines 59-60).

Regarding claim 13, Chang teaches a plurality of remote microphones, each transmitting a wireless audio signal to the base unit (col. 1, lines 55-67).

Regarding claim 14, Chang teaches one or more wireless signal transmitters; and wherein each remote microphone re-transmits one of the wireless signals to the base unit, enabling the base unit to determine a positional aspect of each user (col. 2, lines 1-14).

Regarding claim 15, Chang teaches a pan, tilt, and zoom capability associated with the video camera which is controlled as function of the positional aspect of each user, enabling the camera to selectively frame the image of one or more users for transmission through the telecommunications network (col. 2, lines 59-60 & col. 5, lines 17-61).

Regarding claim 16, Diethorn in view of Chang fail to specifically disclose the pan, tilt, or zoom capabilities are effectuated by selecting a subset of pixels from a larger number of pixels in an image gathered by the camera. However, official notice, that it is notoriously well known in the art of video to selecting a subset of pixels from a larger number of pixels in an image gathered by the camera to effectuate the pan, tilt, or zoom capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a subset of pixels from a larger number of pixels in an image gathering by the camera in order to allow for a clearer picture.

Regarding claim 17, Chang teaches an auto-focusing capability for the video camera which is controlled as a function of the positional aspect of each user, enabling the camera to control depth-of-field associated with one or more users (col. 5, lines 17-61 & col. 7, lines 18-25).

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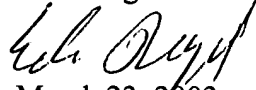
### Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 7:30 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-7745.

Edan Orgad

  
March 23, 2003

  
3/24/03

NGUYEN T. VO  
PRIMARY EXAMINER